

201—20.18 (904) Violator/shock probation programs. The department of corrections provides violator/shock probation programs at three institutions: 30 beds for females at the Iowa correctional institution for women (ICIW) at Mitchellville, 70 beds for males at the correctional release center (CRC) at Newton, and 58 beds for males at Luster Heights (ASP) at Harpers Ferry. These programs provide up to a six-month intensive intervention for probation, parole, and work release offenders that have violated conditions of supervision and would otherwise have been returned to or sent to prison. Additionally, offenders sentenced to the custody of the department of corrections that have been identified as potential shock probation candidates are eligible for program participation.

20.18(1) The violator/shock probation programs provide up to a six-month intensive, highly structured treatment program designed to divert certain offenders from long-term incarceration.

20.18(2) Definitions.

“Shock probation” means reconsideration of a felon’s or misdemeanor’s sentence to confinement when the court may review its previous action and grant probation as a result of suspension or a change of the previous sentence to the custody of the department of corrections in accordance with Iowa Code sections 902.4 and 903.2.

“Violator” means probationer, parolee, or work releasee not having community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke.

“Youthful offender” means probationer, parolee, or work releasee 25 years of age and younger not having community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke. Additionally, offenders 25 years of age and younger sentenced to the custody of the department of corrections that have been identified as potential shock probation candidates are eligible for program participation.

20.18(3) Offenders will be committed to a violator/shock probation program pursuant to Iowa Code sections 904.207, 902.4 and 903.2.

20.18(4) All probation offenders committed to a violator/shock probation program shall be admitted to the Iowa medical and classification center (IMCC) reception unit. Upon admittance to IMCC, the transporting authority shall provide the receiving officer with a court order disposing of the violation (including commitment to the custody of the director and stating violator program participation is a condition of probation), mittimus, case origination documents, indictment or information documents, minutes of testimony, and judgment entry.

20.18(5) All parole or work release offenders committed to a violator/shock probation program shall enter the program through the IMCC reception unit.

The violator/shock probation program shall be a condition of release, and the offender will remain in the custody of the department of corrections under the terms of the offender’s original commitment.

20.18(6) Admission standards.

a. Reception process at IMCC, including medical intake screen, will normally be completed within seven days.

b. If further medical testing or treatment is necessary, transfer to the violator/shock probation program may be delayed until additional testing or treatment is completed and the offender’s health status permits transfer.

c. The department may deny admission to a violator/shock probation program if the offender is medically unable to complete the program or if an offender’s mental health status prohibits participation.

d. Offenders will not be allowed any personal property with the exception of clothing being worn at the time of admission to the IMCC reception unit. Other property will not be accepted by the IMCC receiving officer.

20.18(7) Release standards.

a. Upon successful completion of a violator/shock probation program, violator offenders will be referred to the sending or supervising judicial district department of correctional services.

b. A violator offender that does not successfully complete the violator program will be returned to the sending or supervising judicial district department of correctional services for disposition, with the exception of parole or work release offenders as reviewed by the board of parole.

c. Shock probation offenders will be referred for sentence review to the sentencing court upon successful or unsuccessful completion of a violator/shock probation program. The department of corrections will submit a report to the court that provides a full accounting of the shock probation offender's program participation, progress and recommended plan of action.

20.18(8) An offender placed in a violator/shock probation program will not be granted all the privileges and rights or may not be subject to certain requirements established in Iowa Administrative Code 201—Chapter 20. The following paragraphs establish which rules of Iowa Administrative Code 201—Chapter 20 that violators will or will not be subject to:

a. Rule 20.1(904)—Application of rules. Will not apply to violator/shock probation programs except as otherwise stated.

b. Rule 20.2(904)—Title II definitions. Will apply only where listed in the following applicable rules.

c. Rule 20.3(904)—Visits to offenders. Offenders will not be allowed visits except individuals determined by staff and only in conjunction with participation in the family treatment component. Attorney and clergy visits must be scheduled in advance so as to not conflict with program schedules. Exceptions may be authorized by the warden/superintendent or designee.

d. Rule 20.4(904)—Mail. Offenders will be allowed mail privileges pursuant to rule 20.4(904) with the following exceptions:

(1) There will be no limit on the amount of incoming mail although program policy may limit the amount of mail that can be stored or maintained in the living area.

(2) Offenders will not receive an allowance. Therefore, offenders will be provided writing materials and postage for two letters per week.

(3) Packages and publications will not be allowed.

e. Rule 20.5(904)—Money orders, cashier's checks, and electronic funds transfers for offenders. Money orders, cashier's checks, and electronic funds transfers for offenders are allowed but will be subject to a restitution plan, child support orders, fines, court costs and fees.

f. Rule 20.6(904)—Publications. Offenders will not be granted any of the privileges or rights of rule 20.6(904).

g. Rule 20.7(904)—Interviews and statements. This rule may apply only as stated "with prior consent of the warden, superintendent or designee."

h. Rule 20.8(904)—Guests of institution. This rule is not applicable since this rule has no impact on the violator/shock probation program.

i. Rule 20.9(904)—Donations. This rule is not applicable since this rule has no impact on the violator/shock probation program.

j. Rule 20.11(904,910)—Restitution. This rule will be temporarily suspended while offenders are in the program. Restitution plans will be maintained, and the plan of payment will be reinstated upon release from the program.

k. Rule 20.12(904)—Furloughs. This rule will only apply in family emergency situations in accordance with 20.12(2) although the criteria for eligibility are waived, and these furloughs will only be granted at the discretion of the warden/superintendent or designee with approval of the regional deputy director.

l. Rule 20.13(904)—Board of parole interviews. This rule is not applicable since this rule has no impact on the violator/shock probation program.

m. Rule 20.15(910A)—Victim notification. This rule will not apply to the violator/shock probation program.

n. Rule 20.17(904)—Institutional community placement. This rule will not apply to the violator/shock probation program.

20.18(9) Earned time.

a. Iowa Code chapter 903A will not apply to probationers and parolees.

b. Iowa Code chapter 903A will apply to work releasees in accordance with work release policies and procedures.

20.18(10) Clothing, transportation, and release moneys. The provisions of Iowa Code section 906.9 will not apply to violator/shock probation programs.

20.18(11) Any exceptions to these rules must be specifically approved by the warden/superintendent or designee.

This rule is intended to implement Iowa Code section 904.207.